

REMARKS/ARGUMENTS

Claims 1-4, 6-8, and 10-19 have been resubmitted. Claims 1, 6, 10, and 17 have been amended. Claims 5, 9, and 20-38 have been canceled. No new Claims have been added.

The Examiner has rejected Claims 1-4, 6-8, and 10-19 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement, in that the Examiner contends that the amended claims exclude metals such as Mn and Ni from the catalytic composition and that such exclusion is not contained in the originally filed disclosure.

Examiner's Interview

The Examiner contacted the Applicant by telephone on 5/19/2008, to set up a time for an interview. The participants agreed on a telephone conference at that time. The Examiner agreed that the form of the Applicant's amendment was not indefinite so as to draw a §112 rejection, i.e. the phrase "compositon consisting of at least one item selected from a group consisting of ..." was not indefinite. Regarding allowability, the Examiner said he would look at the prior art again to verify that the claimed catalytic composition was not included therein.

Claim Amendments

Because of Applicant's oversight, the Applicant's claims submitted on 3/18/2008 contained notation for claim amendments (underlines and strike-outs) based on the Applicant's claims submitted on 02/12/2008. However, the Applicant's claims submitted on 02/12/2008 were not entered into the record. The Applicant apologizes for this oversight. In order to minimize any further

confusion, the Applicant acknowledges the error but will continue further claim amendments based upon the claims as amended on 3/18/2008, with concurrence of the Examiner. The Applicant appreciates the Examiner's cooperation on this issue.

Without agreeing with the Examiner's observations and without disclaimer or surrender of rights in the deleted matter, Applicant has amended Claims 1, 6, 10, and 17 to remove the limitation of "said catalytic composition [being] free of metal and compounds of metal selected from the group Mn (manganese) and Ni (nickel)". Applicant has further limited Claim 1 to a catalytic composition consisting of a first component and a second component, where the "catalytic composition [consists] of at least one silver-based component selected from the group consisting of Ag (silver) metal and AgO (silver oxide), and at least one palladium-based component selected from the group consisting of PdO (palladium oxide), PdO₂ (palladium dioxide), and Pd (palladium) metal." (Claim 1, lines 12-17). Claims 6, 10, and 17 have been similarly amended. Support for these amended claims may be found in the Applicant's specification in paragraph 0068.

Since no prior art teaches this particular combination of catalytic materials for the stated purpose of removing ozone from an air stream, then Claims 1, 6, 10, and 17 should be allowable. Since the Claims 2-4, 7-8, and 11-16, and 18-19 depend upon Claims 1, 6, 10, and 17, respectively, then they should be allowable if Claims 1, 6, 10, and 17 are allowable.

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Amdt. dated June 12, 2008
Reply to Office Action of April 11, 2008

CONCLUSION

Reconsideration and withdrawal of the rejection of with respect to Claims 1-4, 6-8, and 10-19 is requested. Applicants submit that the Claims 1-4, 6-8, and 10-19 are now in condition for allowance.

In the event the examiner wishes to discuss any aspect of this response, please contact the attorney at the telephone number identified below.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 50-0851

Respectfully submitted,

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